

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

EDDIE ADCOCK,

Plaintiff,

vs.

PILOT TRAVEL CENTERS, LLC
d/b/a Pilot Store #66, PFJ
SOUTHEAST LLC, d/b/a Pilot Store
#66, and ELVIS JONES,

Defendants.

CIVIL ACTION FILE NO.:

DEFENDANTS DEMAND A JURY
TRIAL

NOTICE OF REMOVAL

Defendants Pilot Travel Centers, LLC d/b/a Pilot Store #66, PFJ Southeast LLC,¹ d/b/a Pilot Store #66, and Elvis Jones (collectively referred to herein as "Defendants") file this *Notice of Removal* and show this Court the following:

1.

Plaintiff filed a civil action in the State Court of Gwinnett County, Georgia, with Civil Action File No. 23-C-05744-S5, alleging injuries stemming from a slip and fall that occurred on August 29, 2021 at Pilot Travel Center in Gwinnett County,

¹ Defendant PFJ Southeast, LLC dissolved on July 28, 2023 and, as such, should be dismissed from this action.

Georgia. Plaintiff's Complaint names Pilot Travel Centers, LLC d/b/a Pilot Store #66, PFJ Southeast LLC, d/b/a Pilot Store #66, and Elvis Jones as Defendants. The entire state court file is attached hereto as **Exhibit A**.

2.

At the time the Complaint was filed, Plaintiff was a citizen of the State of North Carolina.

3.

At the time the Complaint was filed, Defendants Pilot Travel Centers, LLC d/b/a Pilot Store #66 and PFJ Southeast LLC, d/b/a Pilot Store #66 are foreign limited liability companies organized under the laws of the state of Delaware with its principal place of business in Tennessee.

4.

Defendant Pilot Travel Centers, LLC ("Pilot") has four members: National Indemnity Company, Pilot Corporation, CTA Holdings, LLC, and FJ Investments.

5.

National Indemnity Company is a foreign corporation incorporated under the laws of the state of Nebraska with its principal place of business in Nebraska.

6.

Pilot Corporation is a foreign corporation incorporated under the laws of the state of Tennessee with its principal place of business in Tennessee.

7.

CTA Holdings, LLC is a foreign limited liability company organized under the laws of the state of Delaware with its principal place of business in Utah. CTA Holdings, LLC has one member: Call to Action Foundation. Call to Action Foundation is a non-stock, foreign corporation incorporated under the laws of the state of Delaware with its principal place of business in Utah.

8.

FJ Investments, LLC is a foreign limited liability company organized under the laws of the state of Nevada with its principal place of business located in Utah. FJ Investments has one member: FJ Management, Inc. FJ Management, Inc. is a foreign corporation incorporated under the laws of Utah with its principal place of business in Utah.

9.

At the time the Complaint was filed, Defendant Elvis Jones was a citizen of the State of Georgia. However, Defendant Jones is an improper party, was not properly joined to this action and, as a result, should be dismissed from this action.

10.

In the Complaint, Plaintiff alleges that she has incurred “severe” and “permanent” injuries “requiring medical treatment and resulting in medical expenses. Plaintiff’s injuries include but are not limited to a large gash to her

forehead, resulting in numerous stitches and scarring, a subdural hematoma, a brain bleed, right eye hemorrhaging, an injury to her tooth, right foot and right toe swelling, headaches, and a right hip injury. (See Compl. at ¶ 11).

11.

Plaintiff alleges that as of the date of the complaint she has incurred medical expenses of at least of \$33,467.78 and that her medical bills continue to accrue. Plaintiff also claims that she is entitled to recover damages for her past, present, and future pain and suffering stemming from her injuries and resulting treatment. (See Compl. at ¶¶ 12 and 14).

12.

Plaintiff is also seeking to recover an unknown amount of general damages for pain, suffering, mental anguish, and loss of enjoyment of life. (See Compl. at ¶ 12).

13.

Based on Plaintiff's allegations in the Complaint, Plaintiff's alleged injuries and damages in the subject incident, and the allegations that Plaintiff's injuries are permanent and that treatment and expenses are ongoing and will continue in the future, the total of the alleged special and general damages at issue in this matter exceeds the amount in controversy requirement for removal to this Court, and the jurisdictional prerequisite is therefore satisfied. There is diversity of the parties at

the time of this removal, which satisfies the remaining requisite elements of jurisdiction and entitles Defendants to remove this action to the United States District Court for the Northern District of Georgia, Atlanta Division, pursuant to 28 U.S.C §§ 1332 and 1446.

14.

The foregoing action is properly removable to this Court pursuant to 28 U.S.C. § 1441(a), 28 U.S.C §§ 1446(a) and (b) and, in accordance with U.S.C. § 1332(a), there is complete diversity of citizenship between Plaintiff and Defendants, and the amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.

15.

This Notice is filed in accordance with 28 U.S.C. § 1446 and pursuant to Rule 11 of the Federal Rules of Civil Procedure, with the consent of all Defendants and within thirty days from service of the Complaint upon Defendant Pilot Travel Centers, LLC.

16.

Written notice of the filing of this Notice of Removal will be given to all parties as required by 28 U.S.C § 1446.

17.

A true and correct copy of this Notice of Removal will be filed with the Clerk of the State Court of Gwinnett County, Georgia, as required by 28 U.S.C § 1446.

WHEREFORE, Defendants pray that the above-captioned lawsuit be removed to the United States Court for the Northern District of Georgia, Atlanta Division.

Respectfully submitted this 14th day of September, 2023.

**BAKER, DONELSON, BEARMAN
CALDWELL & BERKOWITZ, PC**

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/s/ Jennifer K. Dunlap
JENNIFER K. DUNLAP
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*Attorneys for Defendants Pilot Travel
Centers, LLC d/b/a Pilot Store #66,
PFJ Southeast LLC, d/b/a Pilot Store
#66, and Elvis Jones*

CERTIFICATION PURSUANT TO LOCAL RULE 5.1B

I certify this pleading was created in Times New Roman 14-point font with a 1” top margin in accordance with Local Rule 5.1B.

This 14th day of September, 2023.

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**BAKER, DONELSON, BEARMAN
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Georgia Bar No. 423503

*Attorneys for Defendants Pilot Travel
Centers, LLC d/b/a Pilot Store #66,
PFJ Southeast LLC, d/b/a Pilot Store
#66, and Elvis Jones*

CERTIFICATE OF SERVICE

I certify I filed a copy of the foregoing **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF filing system, which will automatically send an email notification of such filing to the following attorney of record, as well as by U.S. Mail, to:

Charles T. “Chad” Day, IV
Athens Personal injury Attorney, LLC
1120 Mars Hill Road, Suite 8
Watkinsville, GA 30677
Email: chad@athenspi.com

This 14th day of September, 2023.

40 Calhoun Street, Suite 200B
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**BAKER, DONELSON, BEARMAN
CALDWELL & BERKOWITZ, PC**

/s/ Jennifer K. Dunlap
JENNIFER K. DUNLAP
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*Attorneys for Defendants Pilot Travel
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